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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,500	12/17/2001	Michael R. Nowak	P/73-7	4401
7590	11/23/2004			
Philip M. Weiss WEISS & WEISS 310 OLD COUNTRY ROAD SUITE 201 GARDEN CITY, NY 11530			EXAMINER NAKARANI, DHIRAJLAL S	
			ART UNIT 1773	PAPER NUMBER

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/023,500

Applicant(s)

NOWAK ET AL.

Examiner

D. S. NAKARANI

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3-9, 12, 13, 16 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2, 10, 11, 14, 15, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 3-9, 12, 13, 16, 17 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 21, 2003.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, lines 2-3, the phrase "further contain low density polyethylene resins" renders claim indefinite and confusing because claim 2 depends from claim 1 which requires a layer of a copolymer and/or terpolymer resins. The phrase "copolymer and/or terpolymer resins" means more than one copolymer and/or terpolymer resins are present in a layer. In claim 2 the terminology "low density polyethylene resins" is a generic terminology and is inclusive by the terminology "copolymer and/or terpolymer resins". The rejection may overcome by changing phrases "copolymer and/or terpolymer resins" to the phrase - -copolymer and/or terpolymer resin - - in claim 1 and changing phrase "further comprising; low density polyethylene resins" to the phrase - -wherein copolymer and/or terpolymer resin layer further contains low density polyethylene - -.

4. Claims 10, 11, 14, 15, 18 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kittrell et al. (U.S. Patent 5,196,269) with, as evidence, Eichbauer (U.S. Patent 5,922,441) for the reasons of record set forth in paragraph 12 of the Office Action, mailed July 02, 2003. In addition limitation "forming a ream wrapper" bears no patentable weight since there is no structure of ream wrapper specified. Therefore the invention as claimed is considered as a coated paper.

5. Claim 1 is allowed because the art of record does not teach or suggest paper coated with a coating of more than one copolymer and/or terpolymer of ethylene with butene, hexene and/or octene.

Applicants are requested to NOTE that on changing the phrase "copolymer and/or terpolymer resins comprising butene, hexene and/or octane with ethylene in feed stocks" to the phrase -- copolymer and/or terpolymer resin comprising butene, hexene and/or octene with ethylene in feed stocks -- in claim 1, the claim 1 will be rejected over Kittrell et al.

6. Applicant's arguments filed August 20, 2004 have been fully considered but they are not persuasive. In reference to rejection of claims 10, 11, 14, 15, 18 and 19 under 35 USC § 102 (b) as being anticipated by Kittrell et al (U.S. Patent 5,196,269) with, as evidence, Eichbauer (U.S. Patent 5,922,441), applicants state that claims 10, 14 and 18 are amended to the ream wrapper is formed. Neither Kittrell et al or Eichbauer teach this element nor does it make obvious. Therefore claims 10, 11, 14, 15 18 and 19 are allowable.

These arguments are unpersuasive because there is no structure of ream wrapper is provided or specified. Therefore the invention as claimed is considered as a coated paper.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

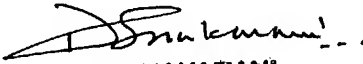
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. S. Nakarani/af  
November 19, 2004

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**